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LABOR BOARD EXPANDS E-FILING PROJECT TO INCLUDE ALL DOCUMENTS IN ALL CASES

The National Labor Relations Board has expanded a pilot E-Filing Project which permits online filing of certain documents, to include all documents in representation and unfair labor practice cases.

This project enables parties to connect to the NLRB's Web site, complete a one-page form, and submit documents directly to the Office of the Executive Secretary. The party is notified by E-mail that the document has been received for processing.

When first announced in June 2003, online submissions were limited to selected documents in unfair labor practice and representation cases. In March 2004, the program was expanded to include all documents in representation cases. Under the all-cases program, case documents that may be filed electronically with the Board are summarized below (as well as documents that may not be filed electronically).

DOCUMENTS THAT MAY BE FILED ELECTRONICALLY

- Any document 15 pages in length or less, including attachments, which may, under the Board's Rules, be filed with the Office of the Executive Secretary.
- Any such document over 15 pages in length and less than 10 MB in size, provided that the appropriate copies otherwise required by the Board's Rules are received by the Office of the Executive Secretary by traditional means within three business days.
- These documents include, but are not limited to the following:

Representation Cases

- Exceptions to Post-Election Reports/Decisions
- Requests for Review
- Requests for Special Permission to Appeal Regional Director's Decision/Order
- Briefs
- Motions (all types)

Unfair Labor Practice Cases

- Exceptions
- Cross Exceptions
- EAJA Applications
- Requests for Special Permission to Appeal ALJ Ruling
- Objections to Settlements
- Briefs
- Motions (all types)
- Other Requests (all types)

- Other Requests (all types)
- Oppositions to Pending Requests or Motions
- Oppositions to Pending Requests or Motions

DOCUMENTS THAT MAY NOT BE FILED ELECTRONICALLY

- Documents to be filed with the Office of the General Counsel.
- Documents to be filed with the Division of Judges.
- Document to be filed with a Regional Director.
- Documents not permitted by the Board's Rules to be filed with the Office of the Executive Secretary.
- Petitions for Advisory Opinions.
- Documents that are more than 10 MB in size.

Subject to budgetary considerations and feedback received from users and interested parties, the Board will evaluate and modify this pilot program periodically.

In order to ensure consistency between the Board's E-filing project and the General Counsel's policy with respect to filing documents with Regional Offices through Internet E-mail, the General Counsel is expanding the use of E-mail by outside parties to include the Internet E-mail receipt in Regional Offices of documents being filed electronically with the Board through its E-Filing Project.

The Board's E-Filing requirements include the following:

E-FILINGS MUST BE TIMELY

Parties or other persons using the Board's E-Filing Form provided in this Web site are cautioned not to rely on E-Filing for "last minute" requests. A failure to timely file or serve a document will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable for any other reason. E-Filings must comport with all applicable time requirements including [Section 102.111\(b\)](#). Further, the verification that your document has been successfully transmitted to the Web site does not indicate actual filing and timely receipt by the Board. You will be sent an e-mail notification when your document has been received by the Board's Office of the Executive Secretary. The date and time of receipt specified on this notification will be used to determine whether the submission is timely. This e-mail receipt will be delivered to the e-mail address listed on the E-Filing Form.

PREFERRED DOCUMENT FORMAT IS PDF

The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf). However, in order to make the Board's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt). It is required that documents submitted using E-Filing must be (1) in a "read only" format and (2) free from any computer virus.

DOCUMENTS MUST BE VIRUS-FREE

You are responsible for taking all reasonable steps to prevent sending any material to the Agency that contains computer viruses. All submissions using this E-Filing Form will be scanned for viruses. Any submission that contains a virus will automatically be deleted by the Agency's computer system and thus will not be processed.

DOCUMENTS MUST BE COMPLETE

Any document submitted via the Board's E-Filing Form must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of hardcopy) separately from the electronic document under any circumstances.

ALL DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE

Any document submitted via the Board's E-Filing Form must be served on the parties and the Regional Director. A statement of service must be included in the document pursuant to the expedited service requirements of [Section 102.114\(i\)](#) of the Board's Rules and Regulations. Depending on the means of service, the statement of service should include the address and fax number of the individuals and parties served. The Board will not process any E-Filing without an appropriate statement of service.

COPIES OF LONG DOCUMENTS MUST BE SUBMITTED SEPARATELY

Documents of 15 pages in length or less, including attachments, may be submitted via the Board's E-Filing Form without the copies normally required by the Board's Rules and Regulations. Documents over 15 pages in length and less than 10 MB in size may be submitted via the Board's E-Filing Form provided that the appropriate copies required by the Board's Rules and Regulations are promptly submitted via personal service or overnight delivery service, and are received by the Office of the Executive Secretary no later than three business days after the electronic filing. Documents that are more than 10 MB in size may not be filed electronically.

BOARD'S DECISION WILL ISSUE THROUGH TRADITIONAL MEANS

The Board does not currently issue orders electronically. Accordingly, parties will be notified of the Board's decision concerning a document submitted via E-Filing through traditional means, typically by mail or facsimile transmission. Should the E-Filer fail to include its fax number on the E-Filing Form, notification of the decision will be by mail.

Under the General Counsel's revised policy on Internet E-mail and Casehandling, a Regional Office will accept service of electronic versions of selected documents when sent by E-mail to the Region's mailbox provided that such documents are submitted electronically to the Board in accordance with the Board's E-Filing Project rules. Except for documents over 15 pages in length, a hard copy of such documents need not be served on the Regional Office if a copy of the original is transmitted to Region's mailbox by E-mail. Documents filed electronically with the Board that are over 15 pages in length may be transmitted to the Regional Office by E-mail, but a hard copy should also be sent so that it is received by the Regional Office within three (3) business days.

Go to <http://gpea.nlr.gov/> for details on the E-Filing Project and to http://www.nlr.gov/nlr/shared_files/ommemo/ommemo/om05-30.pdf for more information on the General Counsel's revision to its Internet E-mail and Casehandling Policy.

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